



Docket No.: 21107/0207506-USO

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Jae Kap Lee

Application No.: 10/574,264

Confirmation No.: 7194

Filed: March 31, 2006

Art Unit: 1792

For: DIAMOND SHELL WITH A GEOMETRICAL
FIGURE AND METHOD FOR FABRICATION
THEREOF

Examiner: J. A. Miller

**SECOND DECLARATION OF JAE KAP LEE
AND PHILLIP JOHN UNDER 37 C.F.R. §1.131**

MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I, Jae Kap LEE and I, Phillip JOHN, do hereby declare and state as follows:

1. We are inventors of the subject matter described and claimed in the above-identified patent application.
2. Prior to Feb. 25, 2004, the filing date of the earliest provisional application to which the Kley patent (U.S. Patent No. 7,309,446) claims priority (U.S. Pat. Appl. Ser. No.60/547,934), we had conceived our invention as described and claimed in the subject application in the United Kingdom, a WTO member nation since January 1995.

3. As evidence that our work antedates the Kley patent and the earliest priority document thereof, we refer to the invention disclosure submitted March 11, 2009 as Exhibit 1 to March 10, 2009 Declaration of Jae Kap Lee and Phillip John under 1.131. This exhibit discloses, in text and drawings, conception of the invention of the present application from a time prior to the filing date of the earliest priority date claimed on the face of the Kley patent.

4. The conception of the invention was coupled with diligence in reduction to practice from a time prior to the earliest priority date of the Kley Patent (Feb. 25, 2004) and ending with the constructive reduction to practice of the invention - i.e., the filing of the priority document (KR Application No. KR 10-2004-0083710) for the present application on October 19, 2004.

5. As evidence of due diligence, we refer to the documents submitted March 11, 2009 as Exhibits 2-10 to the March 10, 2009 Declaration of Jae Kap Lee and Phillip John under 1.131 submitted March 11, 2009 and to Paragraph 5 of that Declaration.

6. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 18 August 2009

Jae Kap Lee
Jae Kap Lee, Inventor

Dated: 14 August 2009

Phillip John
Phillip John, Inventor